



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 12, 1996

Mr. John A. Riley
Director
Litigation Support Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

OR96-0304

Dear Mr. Riley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37084.

You sought an open records decision from this office as to whether certain records held by the Texas Natural Resource Conservation Commission (the "commission") are excepted from required public disclosure pursuant to section 552.110 of the Government Code. Consequently, this office notified representatives of Regional Waste Company that we received your request for an open records decision regarding certain of their records held by the commission. In our letter to Regional Waste, this office requested an explanation as to why portions of their records were excepted from public disclosure, with the caveat that its failure to provide such an explanation within a reasonable time would result in this office instructing you to disclose the information.

More than three months have elapsed since this office issued the notice, but Regional Waste has failed to provide this office with any explanation as to why the requested documents should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to this information. See Open Records Decision No. 552 (1990). Because neither you nor representatives of Regional Waste have contended to this office that the requested information should be withheld,

the commission should release the information at this time. If you have any questions regarding this letter, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/ch

Ref.: ID# 37084

Enclosures: Submitted documents

cc: Mr. Ted Herring
Regional Waste Company
P.O. Box 63
Plainview, Texas 79072
(w/o enclosures)

Ms. Carolyn Hesse
Attorney at Law
McDermott, Will, and Emery
227 West Monroe Street
Chicago, Illinois 60606-5096
(w/o enclosures)